

(g) Act for the Secretary and Deputy Secretary with respect to certain budgetary and administrative matters relating to the Immediate Office of the Secretary.

4. Appendix A of Title 49, Code of Federal Regulations, is amended by deleting the words "for Budget and Program Review" following the words "The Deputy Under Secretary" in section 1 thereof.

Effective date: This amendment is effective October 6, 1976.

(Sec. 9(e), Department of Transportation Act (49 U.S.C. 1657(e)))

Issued in Washington, D.C., on October 1, 1976.

WILLIAM T. COLEMAN, Jr.,
Secretary of Transportation.

[FR Doc.76-29385 Filed 10-5-76; 8:45 am]

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. RSFC-5, Notice 2]

PART 215—RAILROAD FREIGHT CAR SAFETY STANDARDS

Initial Periodic Inspection of Railroad Freight Cars

On May 6, 1976, a notice of proposed rulemaking (NPRM) was published in the *FEDERAL REGISTER* (41 FR 18685) stating that the Federal Railroad Administration (FRA) was considering an amendment to Part 215, Freight Car Safety Standards. The proposed amendment would extend the period allowed for completion of the initial periodic inspection of freight cars required by § 215.25 of the standards (49 CFR 215.25) and make conforming amendments to related sections.

Interested persons were invited to participate in the rulemaking proceeding by submitting written comments before June 30, 1976. Twenty-four commenters, representing various trade associations, private owners of freight cars, lessees of privately owned freight cars and shippers responded to this notice. The written comments generally voiced support for the concept of extending the period allowed for completing these initial inspections but the commenters did raise a number of issues concerning certain aspects of the FRA proposal. These issues will be discussed in the context of the relevant regulatory provision. After considering all of these comments, FRA has decided that the proposed amendment should be adopted with some changes.

The Administrator has evaluated the adoption of this regulation in accordance with the policies of the Department of Transportation which were stated in the public notice published on April 16, 1976, in the *FEDERAL REGISTER* (41 FR 16200). The purpose for amending this regulation, as noted in the notice of proposed rulemaking, was to respond to problems being encountered by various parties that were attempting to complete the initial periodic inspection within the current time constraints of the existing

regulation. The amendments being adopted, which only serve to provide additional time to accomplish this task, will not alter in any significant fashion the costs or benefits associated with the existing regulation. Therefore, the Administrator has determined that the adoption of these amendments will have such a minimal impact that an evaluation of the effects of this regulation is not warranted.

In the NPRM, FRA proposed that the completion for the initial periodic inspection of freight cars would be extended for two years until December 31, 1978, except for specified equipment which would receive only a one year extension of the completion date. The comments, which FRA received, raised issues concerning both the one and two year provisions.

A variety of commenters objected that this two year extension would not provide for a uniform application of these regulations to all freight car owners. The private owners of freight cars, the lessees of privately owned freight cars, four trade associations and a shipper contended that a four year extension of time is needed. These commenters noted that only a small percentage of this segment of the freight car fleet has been inspected to date. In their view that situation has been caused by the unwillingness of the railroads to inspect privately owned freight cars until the railroads have inspected their own freight cars and the absence of authorized contract or private shop facilities which could perform periodic inspection work. Consequently, these parties argue that they will have only a two year time period to accomplish the same type of workload that the railroads have been able to spread over a four year time period. These parties expressed concern that a disastrous disruption of the normal distribution of numerous commodities, particularly those transported by tank car, will occur unless FRA provides an additional two year extension to the current proposal.

The FRA addressed this issue in the preamble to the NPRM and has again considered these arguments. FRA still believes that only a two year extension of the date within which freight cars must receive their initial periodic inspection is warranted. In reaching this conclusion FRA has noted that the commenters, who advocated a four year extension and detailed their ownership, indicated that they own or control approximately 26,000 freight cars in a fleet of privately owned freight cars that numbers about 300,000 cars. Furthermore, two commenters from this group, a major chemical company and an owner of a small fleet of tank cars, specifically advised that they intend and expect to complete the required inspection within the time frame proposed in the notice. FRA has decided therefore, to adopt the two year extension proposed in the notice.

Three of the commenters who responded to this notice included in their comments requests for a limited waiver

of the provision requiring that freight cars receive their initial periodic inspection. These commenters indicated that they would be unable to complete their required inspection work under the current regulatory provision or the proposed change. FRA will respond to these requests by treating these comments as petitions for a waiver filed in accordance with 49 CFR Part 211. After providing for a public notice concerning each request, FRA will determine whether the public interest is served by granting a waiver and whether such a waiver is consistent with railroad safety.

In the NPRM, FRA also proposed that the completion date for initial periodic inspection of certain freight cars would be extended until December 31, 1977. This proposal, which would provide only a one year extension for freight cars built prior to January 1, 1957 and for cars used to transport materials assigned the class of "Flammable Gas", "Poison A" or "Class A Explosive", was the subject of a wide variety of comments.

The portion of the proposed change that would require cars built prior to January 1, 1957 to receive their initial periodic inspection before December 31, 1977 was objected to by five commenters. In general the commenters urged that no differentiation should be made between cars that are twenty or more years of age and those that are newer for the purpose of this regulatory provision. The commenters expressed concern that this provision, if adopted, could adversely affect the ability of the industry to accomplish the inspection of the entire fleet of freight cars since it would mean that two periodic inspection programs must be undertaken. These commenters also are concerned that this approach could result in higher utilization of the older, less efficient, cars which generally have lower capacity and less specialized equipment. The commenters noted that the newer cars are carrying the bulk of the freight, whereas the older cars are stored until the volume of traffic rises to such a level that these cars are needed for service.

The portion of the proposed change that would require cars used to transport materials assigned the hazard class of "Flammable Gas" was objected to by eleven commenters. These commenters noted that the tank cars used to transport the materials in this category generally have not been receiving the required periodic inspection since these cars are generally privately owned. As noted above there are several related reasons for the fact that only a small percentage of privately owned freight cars have been inspected to date. The commenters indicate that it will not be possible to accomplish the inspection of these tank cars in this time frame. Furthermore, even an attempt to comply will result in enormous disruption of the normal distribution of the type of commodities carried by these cars since there are often no other cars available to take the place of these specialized cars when they currently are removed from service.

for repair or inspection work. Many of these commenters indicated that in their judgment a four year extension is warranted for all private cars in general and these tank cars in particular. Several commenters expressed agreement with the concept that these cars should be examined on a priority basis and two commenters specifically endorsed the FRA proposal.

The portion of the proposed change that would require cars used to transport materials assigned the hazard class of "Poison A" or "Class A Explosive" was endorsed by four commenters. No commenters objected to this requirement.

After considering all of these comments FRA has decided to delete from the final rule that portion of the proposed rule which would have required that cars built prior to January 1, 1957 receive their initial periodic inspection before December 31, 1977. FRA has also decided to delete from the final rule the similar portion of the proposed rule that applied to freight cars used to transport "Flammable Gas". FRA stated in the NPRM that it was aware of the problems faced by the private car owners and lessees. That problem appears to be of sufficient magnitude to warrant providing a full two years for the completion of inspection effort on freight cars used to transport commodities assigned the hazard class of "Flammable Gas". Likewise, FRA has accepted the opinion of the commenters that differentiation between the deadlines for inspection of 20 year old cars and newer cars could impair the inspection of the entire fleet. Nevertheless, FRA encourages the owners of the two classes of cars to give high priority in scheduling this equipment for the initial periodic inspection.

The FRA has retained in the final rule, the portion of the proposed rule which requires that after December 31, 1977, cars used to transport materials assigned the hazard class of "Poison A" and "Class A Explosive" must be cars that have received their initial periodic inspection.

In summary, no new issues have been raised by the commenters. Each of the issues was basically covered by the notice of proposed rulemaking. The modifications of the proposed rule which will delete the portions of the proposal that were particularly troublesome to the commenters and the resolution of the problems surrounding the periodic inspection of privately owned freight cars should permit the completion of all initial periodic inspections before January 1, 1979.

In consideration of the foregoing, Chapter II to Title 49, Code of Federal Regulations, Part 215 is amended as follows:

1. By revising the introductory portion of paragraph (b), paragraph (c) (7) and paragraph (e) (1) (i) of § 215.11 to read as follows:

§ 215.11 Stenciling.

(b) After December 31, 1974, each railroad freight car described in § 215.225

(a) which has received its initial periodic inspection under § 215.25 or which the railroad knows, or has notice, that it is described under § 215.225, and after December 31, 1978, every car described in § 215.225(a), must be stenciled or otherwise display in clearly legible letters on each side as follows:

(c) * * *

(7) After December 31, 1978, except for a car originally constructed or reconditioned within the period required by § 215.25 for periodic inspection, the symbol "INSP" followed by—

(e) * * *

(1) * * *

(i) After December 31, 1978, inspected as prescribed by § 215.27 unless stenciling or other display under paragraph (c) (7) of this section indicates that the car otherwise complies with the inspection requirements of § 215.25; and

2. By revising § 215.25 to read as follows:

§ 215.25 Periodic inspection required.

(a) After December 31, 1977, a railroad may not operate a railroad freight car to transport materials assigned the hazard class of "Poison A" or "Class A Explosive" in § 172.101 of Chapter I of this title unless—

(1) In the case of cars other than high utilization cars, the car was inspected as prescribed by § 215.27 within the preceding 48 months or was originally constructed or reconditioned within the preceding 96 months; and

(2) In the case of high utilization cars, the car was inspected as prescribed by § 215.27 within the preceding 12 months or was originally constructed or reconditioned within the preceding 24 months. However, a high utilization car for which a railroad maintains and makes available to the Federal Railroad Administration a mileage record sufficient to show that the car traveled less than 25,000 miles during the preceding 12 months may be operated if that car meets the inspection requirements of paragraph (a) (1) of this section and is stenciled in accordance with § 215.11(c) (6).

(b) After December 31, 1978, a railroad may not operate a railroad freight car unless—

(1) In the case of cars other than high utilization cars, the car was inspected as prescribed by § 215.27 within the preceding 48 months or was originally constructed or reconditioned within the preceding 96 months; and

(2) In the case of high utilization cars, the car was inspected as prescribed by § 215.27 within the preceding 12 months or was originally constructed or reconditioned within the preceding 24 months. However, a high utilization car for which a railroad maintains and makes available to the Federal Railroad Administration a mileage record sufficient to show that the car traveled less than 25,000

miles during the preceding 12 months may be operated if that car meets the inspection requirements of paragraph (a) (1) of this section and is stenciled in accordance with § 215.11(c) (6).

(c) For the purpose of this section, a "high utilization car" is a car—

(1) Specifically equipped to carry trucks, automobiles, containers, trailers, or removable trailer bodies for the transportation of freight; or

(2) Assigned to a train which operates in a continuous round trip cycle between the same two points.

(d) Before June 1, 1974, each railroad that is in operation on January 1, 1974, and has in service railroad freight cars to which this part applies shall submit to the Federal Railroad Administrator for approval under § 215.29 three copies of a program to bring all those cars into compliance with paragraphs (a) and (b) of this section by January 1, 1977. Each railroad that commences operations after January 1, 1974, shall submit a program to the Administrator for approval at least 90 days before the date it commences operations. Each program submitted to the Administrator for approval must include procedures to be followed by inspection personnel to assure compliance with all applicable requirements of this part.

3. By revising § 215.223(c) to read as follows:

§ 215.223 Prohibited cars.

(c) December 31, 1978.

4. By revising the introductory portion of paragraph (b) of § 215.225 to read as follows:

§ 215.225 Restricted cars.

(b) Subject to the requirements of paragraph (d) of this section, a railroad may operate railroad freight cars described in paragraph (a) of this section only under conditions approved by the Federal Railroad Administrator, after December 31, 1974, if the car has received its initial periodic inspection under § 215.25 or the railroad knows or has notice that the car is equipped with the design or component; or December 31, 1978. Petitions for approval must be submitted to the Administrator in triplicate at least 90 days before the date the approval is requested to become effective. Each petition for approval must state:

(Sec. 202, 84 Stat. 971, (45 U.S.C. 431) and § 1.49(n) of the regulations of the Secretary of Transportation 49 CFR 1.49(n).)

This amendment is effective November 15, 1976.

Issued in Washington, D.C., on September 29, 1976.

ASAPH H. HALL,
Administrator.

[FR Doc.76-29242 Filed 10-5-76;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER C—ACCOUNTS, RECORDS, AND REPORTS

[Ex Parte No. 285; Investigation and Suspension Docket No. 8701]

PART 1254—MAINTENANCE OF RECORDS PERTAINING TO DEMURRAGE, DETENTION, AND OTHER RELATED ACCESSORIAL CHARGES BY RAIL COMMON CARRIERS OF PROPERTY

Notification of Unloaded Car, by Consignee to Railroad

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 15th day of September 1976.

Upon consideration of the record in the title proceeding, including the Notice of Proposed Rulemaking and Order of July 24, 1972 (37 FR 18085), the statements of facts, arguments, and views filed by respondent railroads and their agents, by the Bureau of Enforcement of this Commission, and by interested persons including weighing, inspection and demurrage bureaus, shippers, and governmental agencies, and the replies thereto; and upon consideration of the record in the embraced proceeding including the report and order of the Commission entered December 8, 1972, and the order entered October 10, 1973;

It appearing, That the rule proposed in the embraced proceeding and currently effective, as amended herein, has been shown to be just and reasonable;

It further appearing, That in view of the evidence, including the proposed amendment to the tariff proposal at issue in Investigation and Suspension Docket No. 8701, *supra*, which is fully discussed in our report entered on the same date as this order and made a part hereof, and for the reasons stated in said report, certain regulations should be prescribed and the embraced proceeding should be discontinued;

Wherefore:

It is ordered, That Subchapter C, Chapter X, Title 49 of the Code of Federal Regulations be, and it is hereby, amended by the addition of Part 1254 as set forth below.

It is further ordered, That the respondents in the embraced proceeding be, and they are hereby, notified and required to cancel the schedules under investigation herein on or before 45 days from the date of service of this order, upon not less than 1 day's notice to this Commission and to the general public by filing and posting in the manner prescribed by the Commission under section 6 of the Interstate Commerce Act, without prejudice to the filing upon not less than 15 days' notice of schedules in conformity with the findings herein.

It is further ordered, That this order shall become effective 30 days from the date of service, and shall remain in full force and effect until modified or revoked in whole or in part by further order of the Commission.

It is further ordered, That compliance with the regulations prescribed herein shall be within 90 days from the service date of this order;

It is further ordered, That a copy of this order shall be served on all parties hereto.

It is further ordered, That the regulations adopted herein be published in the FEDERAL REGISTER and in the Code of Federal Regulations.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Interstate Commerce Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission.

ROBERT L. OSWALD,
Secretary.

Amend Title 49 of the Code of Federal Regulations, Chapter X, Subchapter C, by adding new Part 1254 as follows:

Sec.

- 1254.01 General applicability.
- 1254.02 Records pertaining to freight cars.
- 1254.03 Demurrage and other detention of railroad freight cars.
- 1254.04 Disability rule.
- 1254.05 Detention of highway trailers and containers when moving on trailer-on-flatcar or container-on-flatcar rates or charges named in tariffs lawfully on file with the Interstate Commerce Commission.
- 1254.06 Exceptions.

AUTHORITY: The provisions of this Part 1254 are issued under 49 U.S.C. 1(4), 1(5), 1(6), 1(11), 1(13), 1(14), 1(15), 1(17), 1(21), 6(7), 13(4), 15(1), 20(1), 20(5), and 20(8), and 5 U.S.C. 553 and 559.

§ 1254.01 General applicability.

The rules and regulations of this part apply to demurrage, detention, and other related accessorial services for which rules, rates, or charges are named by common carriers of property by railroad in tariffs lawfully on file with the Interstate Commerce Commission.

§ 1254.02 Records pertaining to freight cars.

Every common carrier of property by railroad subject to the Interstate Commerce Act shall make and maintain for each open station at which freight cars are loaded, unloaded, or held awaiting instructions from the shipper, records of all movements of freight cars which will readily show, with respect to each shipment, sufficient information to assess applicable freight charges and charges for detention, demurrage, storage, switching, weighing, inspection, car rental, refrigeration, whether included in regular detention, demurrage, storage, switching, rately stated, stopoff, reconsigning, or diversion charges, loading charges, and charges for other accessorial services, and support the granting of special allowances to shippers when such allowances are authorized by tariffs lawfully in effect. The above-described records

shall be separately maintained for each base station and for each satellite or nonagency station assigned to it.

§ 1254.03 Demurrage and other detention of railroad freight cars.

(a) *Car report.* Every common carrier by railroad subject to the Interstate Commerce Act shall cause to be made, on a daily basis, a report which shall contain the following information:

- (1) the date and time cars are placed at or removed from tracks serving each industry location of each consignor or consignee, including but not limited to industrial sidings, industrial interchange tracks, and public delivery (team) tracks;
- (2) the engine number or train identification;
- (3) the name of the employee making the report;
- (4) the initial and number of each railroad freight car, and whether it was loaded or empty at the time placed or removed;
- (5) whether each car was placed or removed; and
- (6) the identification, by name or number, of each siding or team track and the spot location thereon.

The original of the report shall be forwarded at the end of each day to the employee or office maintaining demurrage records. This report need not be made by a terminal carrier acting as agent for a line-haul carrier provided that the report is made by the line-haul carrier.

(b) *Track checks.* Every common carrier by railroad subject to the Interstate Commerce Act shall cause to be made, by a qualified employee or agent, spot track checks. Track checks shall include a visual inspection which shall be made as near to 7:00 a.m. as possible, but not before, and which shall be completed by 11:59 a.m. Track checks shall be made of all locations at which cars are loaded, unloaded, or held awaiting instructions from shippers, including, but not limited to, industry sidings, industrial interchange tracks, holding tracks, inspection tracks, and public delivery (team) tracks. The following information shall be recorded and maintained:

- (1) the date and time the track check is made;
- (2) the name of the station;
- (3) the name of the employee performing the check;
- (4) the identification, by name or number, of each siding or track checked;
- (5) the initial and number of each railroad freight car checked; and
- (6) the status of the car at the time checked; that is, whether loaded, partially loaded or unloaded, or empty, and whether located (spotted) at a position accessible for loading or unloading.

Track checks shall be made on a regular basis but not in the same routine manner so that consignees and consignors can anticipate when they will be made. Track checks shall be made as frequently as is necessary to assure that sufficient information is available to the carrier to enable it to assess and collect all appli-

cable charges and to assure the accuracy of information gathered and maintained in any automated or other data system.

(c) *Notification of unloading.* When a shipper or consignee furnishes notification to the carrier that a car is unloaded and available to the railroad and tariff provisions which provide that cars may be released from demurrage by means of telephone notification are lawfully on file with the Interstate Commerce Commission, the carrier shall record the following information with respect to each car released from demurrage by telephone notification:

- (1) Name of shipper or consignee;
- (2) Name of shipper's or consignee's employee giving such notification;
- (3) Name of the carrier's employee receiving the notification;
- (4) Car initial and number;
- (5) Date and time notification is given to the railroad.

(d) *Notification of arrival, actual placement, or constructive placement.* Notification of arrival, actual placement, or constructive placement shall be given in writing by the carrier to the shipper or consignee with a copy thereof retained by the carrier. If by tariff exception a carrier provides for telephone notification of arrival, actual placement, or constructive placement of cars instead of written notification, the carrier shall maintain a record of the said telephone notification which shall include the following information:

- (1) Name of the carrier's employee giving such notification;
- (2) Name of the shipper or consignee receiving such notification;
- (3) Name of the shipper's or consignee's employee receiving the notification;
- (4) Car initial and number;
- (5) Date and time notification is given to the shipper or consignee.

(e) *Car orders.* Car orders shall be recorded by the carriers in the manner required by rule 15 of the Code of Car Service Rules as prescribed by this Commission in Ex Parte No. 241 (49 CFR 1033.15). Where the carrier accepts written car orders from shippers, unsigned or undated car orders shall not be accepted.

(f) *Straight plan demurrage record.* A straight plan demurrage record shall be made by the carrier to record the status of all cars located within the jurisdiction of each agency station, except as otherwise provided in rules 1254.03 (g) and (h).

(g) *Average agreement demurrage record.* An average agreement demurrage record shall be kept by the carrier to record the status of all cars located within the jurisdiction of each agency station where prior average agreement contracts have been entered into between consignees or consignors, as the case may be, and the carrier pursuant to the provisions of applicable tariffs lawfully on file with this Commission.

(h) *Special detention records.* Special detention records shall be made by the carrier wherever special detention rules are named as an exception to the general

demurrage rules in applicable tariffs governing the application of a particular rate or charge on a specific type of freight shipment.

(i) *Recording of tariff authority for special charges.* All shipping orders, bills of lading, waybills, and freight bills covering shipments subject to special detention rules, mechanical refrigeration charges, or other charges based on the detention of freight cars shall include a reference to the applicable tariff and item numbers naming the detention or refrigeration charges. The carrier shall record these references on the indicated documents at the time the shipment originates, if liability for such charges is known at that time. If the carrier does not know whether shipments will be subject to such charges at the point of origin, but liability therefore should subsequently arise, the carrier shall at that later time enter the applicable tariff references on the bills of lading or other shipping documents prepared at origin, or alternatively, shall execute and complete whatever supplemental documentation and billing is necessary to insure the assessment and collection of these charges, and shall indicate thereon the applicable tariff and item numbers on which such charges are based, in the manner prescribed in this rule.

(j) *Presentation of demurrage, detention, or refrigeration bills.* All bills for demurrage assessed against cars subject to straight plan demurrage, special detention, or refrigeration services computed on a time basis, shall be presented within 48 hours, exclusive of Saturdays, Sundays, and holidays, of the release of the individual cars. All bills for demurrage assessed on an average agreement basis shall be presented within 15 calendar days of the close of the month during which the demurrage accrued.

(k) *Preparation of bills at central points.* When carriers prepare bills for freight charges, demurrage, detention, storage, switching, refrigeration, weighing inspection, car rentals, stopoff, reconsigning, diversion, loading, or other accessory services, or where carriers grant special allowances to shippers subject to tariff provisions lawfully in effect, at central billing or accounting points, copies of such bills or allowances shall be maintained by the carrier, and shall be available for inspection, at the same location at which are also maintained all other reports and records required to be made and maintained under this part.

§ 1254.04 Disability rule.

Common carriers of property by railroad subject to the jurisdiction of the Interstate Commerce Act shall make no allowance for weather interference, carrier or shipper error, strike interference, frozen or congealed lading, bunching of cars, runaround, or other disability conditions unless a claim is made therefor in writing by the consignor or consignee, as the case may be, and then only in compliance with the provisions of applicable tariffs lawfully filed with this Commission. Under no circumstances shall any

such allowance be made or given unless the claim therefor is approved in writing by the officer of the carrier responsible for the proper assessment and/or collection of demurrage or other detention charges, or his authorized agent.

§ 1254.05 Detention of highway trailers and containers when moving on trailer-on-flatcar or container-on-flatcar rates or charges named in tariffs lawfully on file with the Interstate Commerce Commission.

Every common carrier of property by railroad subject to the Interstate Commerce Act shall make and maintain at each carrier facility where either highway trailers or containers transported in trailer-on-flatcar service (TOFC) or container-on-flatcar service (COFC) are received or delivered to shippers, shippers' agents, freight forwarders, or are exchanged or interchanged with either private, contract, or common motor carriers, including local drayage or cartage motor carriers, or by highway with other railroads, a record of all movements of highway trailers or containers which will readily show, with respect to each shipment, the information necessary to assess applicable freight charges and charges for detention; trailer-yard storage; drayage; trailer or container rentals; refrigeration, whether included in regular detention charges or separately stated; split pickup or delivery; delivery service; helper service; and other accessory services.

§ 1254.06 Exceptions.

Nothing in this part shall apply to cars moving subject to Freight Tariff No. 8 Series (car demurrage rules on cars at coal mines); cars handled at ocean or Great Lakes ports when moving subject to special port demurrage rules named in tariffs lawfully on file with this Commission; nor on cars moving subject to Item 30 Series of General Car Demurrage Tariff No. 4 Series.

[FR Doc. 76-29371 Filed 10-5-76; 8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Opening of Barnegat National Wildlife Refuge, New Jersey, to Hunting of Migratory Game Birds

On August 27, 1976, there was published in the FEDERAL REGISTER (41 FR 36211) a notice of proposed rulemaking adding Barnegat National Wildlife Refuge, New Jersey, to the list of refuge areas which are open for the hunting of migratory game birds. This list is published at 50 CFR 32.11. As a general rule, most areas within the National Wildlife Refuge System are closed to hunting until officially opened by regulation.

Pursuant to the authority of 16 U.S.C. 668dd(d), as redelegated to the Director of the United States Fish and Wildlife Service at DM 242.1.1, the Director has determined that the opening of Barnegat National Wildlife Refuge to public hunt-